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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/352,734	07/13/1999	JAMES OWEN	SLA0193	2607

7590 07/28/2004
MARGER JOHNSON & McCOLLOM, P.C.
1030 S.W. MORRISON STREET
PORTLAND, OR 97205

EXAMINER

DANG, DUY M

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/352,734

Applicant(s)

OWEN ET AL.

Examiner

Duy M Dang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment filed 5/11/04 has been entered and made of record.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-9 and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmid et al. (US Patent No. 5,659,164. Art of record IDS (paper #2) filed 10/18/1999).

Regarding claim 1, Schmid teaches a method for controlling scanning device using control sheets (i.e., the “MRI such as the bar-coded information” shown in figure 1 and mentioned in col. 4 lines 22-28 functions as the so called “controlling scanning device using control sheets”), comprising the steps of:

starting an imaging job having a multiple sheets (i.e., the “start scanner” shown at 14 of figure 3A; “place stack in feeder” shown in figure 2A; and “preparing a stack of successive sheets...digitizing scanner” mentioned in col. 3 lines 34-41. Also refer to “beginning of the document scanning” mentioned in col. 3 lines 42-43), wherein at least one control sheet is a control sheet containing only a control image (see “cover page 1” and “cover page 1¹” comprising MRI and HRI according to figure 1. Note that the MRI and HRI refer to the so called “control image”. This interpretation is consistent with application's disclosed page 3 lines 9 and 11-12 that of “control image could be a text” and “control image could also be in machine-readable code”);

locating the control image on the control sheet within said imaging job (i.e., the “place documents with cover sheets on scanner feeder” shown at 6 of figure 3A and “recognizing...reading the machine-readable code markings of the cover sheet” mentioned in col. 3 lines 41-44 and the text portion mentioned in col. 4 lines 22-37), wherein the control sheet could be located in a position other than at a first page of the imaging job (see “cover page 1¹” shown in figure 1. This figure clearly shows that the cover page 1¹ is located at a position other than at a first page of the imaging job);

processing (i.e., the “analyze, recognize” shown at 20 of figure 3B. Also refer to “computer (CP)” shown in figure 2A and mentioned at col. 4 lines 32-37) control instructions (i.e., the “machine code” shown at 20 of figure 3B) from said control image (i.e., the “machine code” shown at 20 of figure 3B and the “MRI” mentioned in col. 4 lines 22-28 correspond to the so called “control instructions”); and

creating output in accordance with said control instructions (i.e., the “recording cover sheet info routing ID, config. parameter, etc.” shown at 24 of figure 3B, and the “digital format” mentioned in col. 4 line 40).

Regarding claim 8, Schmid teaches a method for controlling scanning device using control sheets [see figure 2A and the two cover pages (i.e., cover page 1 and cover page 1¹) shown in figure 1] comprising the step of:

starting an imaging job having multiple sheets (i.e., the “start scanner” shown at 14 of figure 3A; “place stack in feeder” shown in figure 2A; and “preparing a stack of successive sheets...digitizing scanner” mentioned in col. 3 lines 34-41. Also refer to “beginning of the document scanning” mentioned in col. 3 lines 42-43), wherein at least one sheet is a control sheet

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containing only control information (see “cover page 1” and “cover page 1¹” comprising MRI and HRI according to figure 1. Note that the MRI and HRI refer to the so called “control image”. This interpretation is consistent with application’s disclosed page 3 lines 9 and 11-12 that of “control image could be a text” and “control image could also be in machine-readable code”);

locating a control image on the control sheet within said imaging job (i.e., the “place documents with cover sheets on scanner feeder” shown at 6 of figure 3A and “recognizing...reading the machine-readable code markings of the cover sheet” mentioned in col. 3 lines 41-44 and the text portion mentioned in col. 4 lines 22-37), wherein the control sheet could be located in a position other than at a first page of the imaging job (see “cover page 1¹” shown in figure 1. This figure clearly shows that the cover page 1¹ is located at a position other than at a first page of the imaging job);

creating output for said imaging job (i.e., the “recording cover sheet info routing ID, config. parameter, etc.” shown at 24 of figure 3B and the “digital format” mentioned in col. 4 line 40); and

processing (i.e., the “analyze, recognize” shown at 20 of figure 3B) control instructions (i.e., the “machine code” shown at 20 of figure 3B) from said control image and using said control instruction for managing said output (i.e., the “set scanner parameters command: resolution, dither, mode, etc.” shown at 23 of figure 3B).

Regarding claims 2, and 9, Schmid further teaches an image acquisition task (i.e., the “scanner” shown in figure 2C and mentioned in col. 3 lines 39-41 functions as the so called “an image acquisition task”).

Regarding claims 3, and 11, Schmid further an image production task (i.e., the scanning document and storing document as a digitized document mentioned in col. 5 lines 35-38 functions as the so called “an image production task”).

Regarding claims 4, and 12, Schmid further teaches a machine-readable format (i.e., the stack of pages shown in figure 1 contained printed information according to col. 2 lines 23-27 satisfies the so called “a machine-readable format”).

Regarding claims 5, and 13, Schmid further teaches wherein said control image is text (i.e., the “human readable information (HRI)” shown in figure 1, and “printed information” (i.e., handwritten) mentioned in col. 2 lines 23-28).

Regarding claims 6, and 14, Schmid further teaches wherein said control image is numbers (i.e., the “human readable information (HRI)” shown in figure 1, “MRI” shown in figure 4 (note the numbers printed below barcode), and “printed information” (i.e., handwritten) mentioned in col. 2 lines 23-28 satisfy the so called “numbers”).

Regarding claims 7, and 15 Schmid further teaches wherein said method includes the steps of locating a second control image on the second control sheet containing only the control image for the same image job (i.e., the cover page 1 shown in figure 1 corresponds to the so called second control sheet containing only the control image) and processing the second control image (refer to the “analyze, recognize machine code” shown at 20 of figure 3B and col. 4 lines 22-37).

4. Applicant's arguments filed 05/14/04 have been fully considered but they are not persuasive.

Applicant's remarks (see page 4 paragraphs 2-3) overcome the rejection of claims 11-9 and 11-15 under 35 USC 112, first and second paragraphs.

In reply to applicant's remarks (see 4th paragraph of page 4 to 1st full paragraph of page 5) with regard to claims 1 and 8 that "Schmid only teaches that a cover page and control image can only be located at a first page of the imaging job", the examiner disagrees because of the reasons as follows: for example, the "cover page 1¹" is located in a position other than at a first page (i.e., cover page 1) of the imaging job according to figure 1 of Schmid.

In reply to Applicant's remarks (see last paragraph of page 5 to page 6) with regard to claims 7 and 15, the examiner disagrees because Schmid's cover page does include two control images (i.e., MRI) as shown in figure 1 and there are two cover pages 1 and 1¹ shown in figure 1 of Schmid. Thus, one of the control image i.e., MRI included in Schmid's cover page corresponds to the so called "second control image".

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M Dang whose telephone number is 703-305-1464. The examiner can normally be reached on Monday to Thursday from 6:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H Boudreau can be reached on 703-305-4706. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 all communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.


dmd
7/15/04



LEO BOUDREAU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600